

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-7 are pending in the application. Claims 1-7 are amended by the present amendment. The claims are amended to correct minor informalities and cosmetic matters of form. Thus, no new matter is presented.

As an initial matter, Applicants respectfully request that the information disclosure statements filed November 10, 2005 and September 22, 2004, be considered by the Examiner. As noted in the IDS submitted November 10, 2005, the reference cited therein (CN 1326653A) is a family member of WO 00/30384, which was acknowledged by the Examiner in the IDS filed September 22, 2005. Further, the reference in the IDS of November 10, 2005, as well as the references not considered in the IDS filed November 10, 2005, were each addressed in an English language foreign Office Action submitted with the corresponding IDS. Thus, in accordance with MPEP § 609(III)A(3), such the English language foreign Office Action/Search Report satisfy the requirement for a concise explanation of the relevance of the foreign language references, as required under 37 C.F.R. § 1.98.

Accordingly, Applicants respectfully request that the IDSs filed on November 10, 2005, and September 22, 2004 be considered in their entirety.

In the outstanding Official Action, the Abstract was objected to for using improper language; Claims 1, 6 and 7 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-3 and 6 were rejected under 35 U.S.C. § 102(b) as anticipated by Whinnet et al. (GB-2313257, hereinafter "Whinnet"); Claims 4-5 were objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims; and Claim 7 was indicated as allowed.

Applicants appreciatively acknowledge the indication of allowable subject matter. However, since Applicants consider that independent Claim 1 patentably defines over the applied references, the remaining dependent claims are presently maintained in dependent form.

In response to the objection to the Abstract, the Abstract is amended to remove legal phraseology, such as “invention” and to correct other minor informalities. Therefore, Applicants respectfully submit that the Abstract is in proper form.

Accordingly, Applicants respectfully request that the objection to the Abstract be withdrawn.

Claims 1, 6 and 7 were rejected under 35 U.S.C. § 112, second paragraph, for reciting a narrow/broad feature together with a broad/narrow feature that falls within the narrow/broad feature in the same claim. Specifically, the outstanding Official Action cites the language “greatest accuracy”, and “infers said location”, and notes the latter as the broadest statement of the range/limitation.

In response, independent Claims 1, 6 and 7 are amended to recite “measures said current location” instead of “infers said current location” in order to clarify that the current location is measured using the communication subsystem “whereby the current location can be measured with the greatest accuracy”, as determined by the mobile station. Therefore, Claims 1, 6 and 7 clearly recite a process of selecting a system whereby the current location of the mobile device can be measured with the greatest accuracy, and measuring the current location of the mobile device using the selected communication subsystem.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 6 and 7 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejection of Claims 1-3 and 6 under 35 U.S.C. § 102(b) as anticipated by Whinnet, Applicants respectfully submit that amended independent Claims 1 and 6 state novel features clearly not taught or rendered obvious by the applied reference.

Claim 1 relates to a mobile unit capable of communication using a plurality of communication subsystems, and which is configured to report both its location and system availability. Initially, the mobile unit determines usability of the plurality of communication subsystems at the current location of the mobile unit, and then selects a communication subsystem from the plurality of communication subsystems by which the current location of the mobile unit can be measured with the greatest accuracy. The mobile unit then measures the current location using the selected communication subsystem and transmits the result of the determination of the usability of the substations, together with information indicating the current location of the mobile terminal using the communication subsystem selected to determine the mobile unit's location.

Thus, the mobile unit is able to determine a plurality of subsystems available in a specific geographic location and report the determined system availability as well as the location of the mobile terminal to a server. Accordingly, the mobile unit acts as an information providing unit which provides information to populate a table at the server, such as that depicted in Fig. 3, and this table may be accessed by other communication devices to retrieve the stored information.

Turning to the applied reference, Whinnet describes a common communication system (19) which provides information regarding the availability of other local communication systems (11-17) within the common communication system's coverage area to a generic, programmable subscriber unit (20).¹ Specifically, Whinnet describes that the subscriber (20) performs a geo-location process and informs the bulletin board system (19) of

¹ Whinnet, Abstract.

the subscriber unit's geographic location. Then, the bulletin board system (19) uses this geo-location information in conjunction with information about the respective coverage areas of the various communication systems to provide the subscriber (20) with information regarding each candidate local communication system (11-17) for which the subscriber (20) falls inside the coverage area, as defined by the bulletin board system (19).² The subscriber (20) then selects a local communication system (11-17) and acquires the necessary information from the bulletin board system (19) to access the selected target communication system.³

However, Whinnet fails to teach or suggest specific features recited in independent Claims 1 and 6..

Specifically, amended independent Claim 1 recites, *inter alia*, a mobile unit capable of communicating using a plurality of communication subsystems, comprising:

...selection means that selects a communication subsystem whereby the current location can be measured with the greatest accuracy...

Independent Claim 6 recites substantially similar features, therefore the arguments presented below apply to both Claims 1 and 6.

In addressing this claimed feature, the outstanding Official Action relies on p. 6, line 28-p. 7, line 27 of Whinnet. The cited portion of Whinnet describes that the subscriber unit (20) uses an already available system (e.g. MSS, LORAN, or GPS) to report location information to the bulletin board system (19) to obtain information about available local systems. While Whinnet, does describe the desirability of a high-accuracy geo-location process to facilitate a more accurate selection of a local communication system (11-17), the reference fails to teach or suggest that the mobile unit ***selects a communication subsystem whereby the current location can be measured with the greatest accuracy***, as recited in independent Claim 1. Instead, Whinnet simply describes that a location determining system

² Id., p. 6, lines 8-18.

³ Id., p. 6, lines 19-21.

already available at the mobile device is used to determine and report the geographic information of the bulletin board system (19), and is silent regarding the selection of *a communication subsystem whereby the current location can be measured with the greatest accuracy*.

Further, Whinnet describes only that “the bulletin board system 19 has stored information describing the coverage areas of the various communication systems 11-17 that are available,”⁴ and “the bulletin board system 19 subsequently informs the subscriber 20 about each candidate local communications system.”⁵ However, as noted above, Whinnet fails to teach or suggest *selecting a communication subsystem whereby the current location can be measured with the greatest accuracy*, as recited in amended independent Claim 1.

Further, amended independent Claim 1 recites, *inter alia*, a mobile unit capable of communicating using a plurality of communication subsystems, comprising:

...transmission means that measures said current location using the communication subsystem selected by said selection means and *transmits the result of determination of said usability by said determination means, together with information indicating said current location, using the communication subsystem selected by the selection means*.

Independent Claim 6 recites substantially similar features, therefore the arguments presented below apply to both Claims 1 and 6.

In addressing this claimed feature, the outstanding Official Action relies on p. 6, lines 8-18 of Whinnet. However, as noted above, this cited portion of Whinnet, describes the subscriber (20) performs the geo-location process using a built-in geo-location system, and informs the bulletin board system (19) of the subscriber unit’s geographical location. The bulletin board system (19) then responds with a list of available services based on the

⁴ Id., p. 5, lines 22-24.

⁵ Id., p. 6, lines 15-18.

received geographical location, and the mobile unit selects one of the services from the list by which to commence communications.

Thus, Whinnet describes a process of sending location information and receiving a list of available services, but does not teach or suggest *transmitting the results of determination of the usability of a plurality of communication subsystems at the current location of the mobile unit together with information indicating said current location using the communication subsystem selected by the selection means*. In contrast, Whinnet describes sending a geographical location to the bulletin board system (19), then determining, based on the information received from the bulletin board system (19), which communication subsystems are available at the current location of the mobile unit. At no point does Whinnet teach or suggest *determining the usability of a plurality of communication subsystems* and transmitting this information *together with the current location of the mobile unit*, as recited in amended independent Claim 1.

Accordingly, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 102 be withdrawn. For substantially the same reasons as given with respect to amended Claim 1, it is also submitted that amended independent Claim 6 patentably defines over the applied references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-7 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

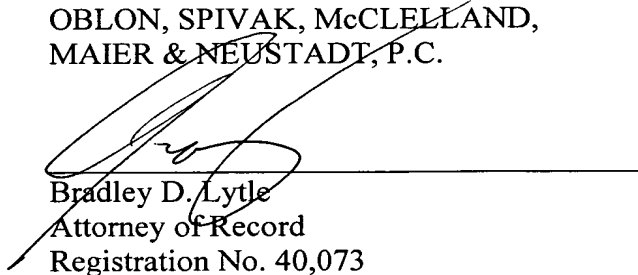
Respectfully submitted,

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